

## OGC HAS REVIEWED.

11 December 1951

### MEMORANDUM FOR THE RECORD

SUBJECT: Tort Claims -- Automobile Accidents

1. The undersigned discussed the processing of claims against this Agency regarding automobile accidents with Mr. John J. Finn, who handles litigation against the Government involving this type of claim in the Department of Justice.
2. Mr. Finn advised me that they do not get in the picture at all until or unless the claimant brings a formal suit against the Government. However, he said he would be glad to discuss any accidents which have possibilities of being brought to the litigation stage.
3. He advises that whenever a claimant writes and informs us that he is filing a claim against us regarding an accident, we should keep our correspondence to a minimum and in reply submit Government Form 95 (Claim for Damage or Injury). This form makes the claimant state the amount of his property and personal injuries in specific dollar terms and once having so stated, he is precluded by law from increasing this claim. The form also contains a statement regarding criminal penalties for presenting fraudulent claims or making false statements and Mr. Finn says that this will cut down the number of answers we will receive, once having sent this form out.
4. If the claim when returned is in excess of \$1,000.00, Mr. Finn advises a short letter to the claimant stating that under the applicable provisions of law, we are unable to consider a claim in excess of \$1,000.000.
5. He also advises that we do not file claim for damages sustained by our vehicle where the issue of negligence is in doubt and the other person has not filed a claim against us. To do so is an open invitation to the other party to file suit against us.
6. Accompanying this memorandum is a report of an inter-departmental Federal tort claims committee meeting which contains some valuable information regarding the claims this office handles.

OGC/MLE/McD

Enclosure:

Report